IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35113 of 2008
CHANDAN SINGH @ CHANDAN KUMAR SINGH
Versus

THE STATE OF BIHAR
- - - -

2. 12.9.2008 Heard.

As may appear from the written report itself, the juvenile along with the present petitioner who has now been adjudicated not being a juvenile in conflict with the law, was asking the accompanying constables to remove the handcuffs on their respective persons so that they could take some meals. What is clearly admitted is that they do not do that and thereafter they were beaten up by the juvenile and the present petitioner.

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The travesty is not that the First Information Report has been registered under Section 307 of the Indian Penal Code for the incident but the travesty is that the Additional Sessions Judge, I, Bhojpur at Ara has gone on to dismissing the prayer without assigning reasons or discussing the materials as to why the petitioner could not be admitted to bail. The Additional Sessions Judge appears so aloof from the position of law that except

in cases when the apprehended accused could be so dangerous a criminal or was behaving so dangerously as to becoming threat to the escort party or to the general public then only he could be handcuffed. The Officer appears completely ignorant and disrespectful to the law laid down by the Supreme Court. Not only that, the Officer appears living in his own world of pride of being the Additional Sessions Judge as thinking it not necessary to discuss the materials and assign reasons. It is a fit case in which a direction could be given to make an adverse entry into the Red Book of the Officer, but before that is done, I would like to seek an explanation from the Officer as to how he/she has ignored such facts as indicated above and has gone on dismissing the prayer without discussing the materials or assigning any reason.

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As facts stand, let the above named petitioner be directed to be released from custody on his furnishing a bond of Rs. 3,000/-(three thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Ara,

in Ara Nawada P.S.Case No.120 of 2007.

As and when the explanation of the Officer is received, the same shall be placed along with the record of the present petition before the Hon'ble Inspecting Judge of Bhojpur, Ara Judgeship.

(Dharnidhar Jha, J.)

Kanth

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